

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE
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May 23, 1996

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William F. Caton, Acting Secretary
Federal Communications Commission
1919 M Street, N.W. - Room 222
Washington, D.C. 20554

Re: In the Matter of Policy and Rules
Concerning the Interstate, Interexchange Marketplace --
Implementation of Section 254(g) of the Communications
Act of 1934, as amended. CC Docket No. 96-61.

Dear Secretary Caton:

The New York State Department of Public Service (NYDPS) hereby submits its reply comments in the above-referenced proceeding. We write in response to the Initial Comments submitted by the Louisiana Public Service Commission (Louisiana) dated April 24, 1996.

These comments are being submitted in an excess of caution. To the extent that the Louisiana comments could be read to suggest that the Commission's forbearance authority over the interstate, interexchange market precludes state regulation of intrastate interexchange carriers, the NYPSC feels compelled to respond that the Commission should not overstep its bounds.¹ The Commission's §401 forbearance authority in no way precludes the states from enforcing their regulatory authority under state law.

Respectfully submitted,

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¹ By this response we do not mean to necessarily assign to Louisiana any express intent to suggest that the Commission has such preemptive authority.

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